

REMARKS/ARGUMENTS

These remarks are made in response to the final Office Action of August 23, 2007 and subsequent Advisory Action of November 14, 2007. This response is filed concurrently with a Two-Month Petition for Extension of Time and a Request for Continued Examination. The Examiner is expressly authorized to charge any fees to Deposit Account No. 50-0951.

Subsequent to Applicants' previous response an Advisory Action was received. In the Advisory Action, the Examiner stated that the claims presented in the response would be entered, but that the claims as amended failed to define over the cited references.

Amendments to the Claims

Although Applicants respectfully disagree with the rejections in the Office Action, Applicants nonetheless have amended the claims in order to expedite prosecution of the present application by further emphasizing certain aspects of the claims. Applicants respectfully assert, however, that the claim amendments presented are not intended as, and should not be interpreted as, the surrender of any subject matter. Applicants are not conceding by these amendments that any previously submitted claims are unpatentable over the references of record. Applicants' present claim amendments are submitted only for purposes of facilitating expeditious prosecution of the present Application. Accordingly, Applicants respectfully reserve the right to pursue any previously submitted claims in one or more continuation and/or divisional patent applications.

In this response, Applicants have amended the independent claims to emphasize certain aspects of the independent claims. In particular, the independent claims have been amended to further clarify the differences in operation between the Slivka reference and the claims, as amended. No new subject matter has been introduced by these Amendments.

The Claims Define Over the Cited References

In the Advisory Action, it is stated that the previous amendments do not place the claims in a form for allowance. Applicants respectfully disagree. However, Applicants have amended the claims to clarify their position. Accordingly, Applicants respectfully submit that the claims define over the references of record.

First, Applicants respectfully submit that the Advisory Action includes assertions that mischaracterize the limitations of the claims, as amended. In particular, the Advisory Action states:

However, table 3 of Slivka et al shows a ranking of certain types of passengers. However, this table is used by the rules engine when performing the re-accommodation process as shown in [0026]. Therefore, it is obvious to present flight candidates in a preferred order since when re-accommodating passengers, and say, for example, the passenger is a physically challenged unaccompanied minor, according to table 3, this passenger is # 1 priority, and will be rebooked on a flight 1st, and therefore, this particular flight or flight candidate will be re-booked in a preferred order.

Applicants respectfully submit that this statement clearly shows a misunderstanding of the claimed subject matter. The statement above and the portions of Slivka cited in Advisory Action refer to a different type of ranking than that recited in the claims. Slivka, as acknowledged in the statement above, refers to *ranking of passengers* from a cancelled flight. That is, each of the passengers is ranked according to the list in Table 3. Accordingly, based on this ranking, Slivka automatically rebooks the passengers.

In contrast, the claims, as amended, include no such ranking of passengers. Instead, the claims explicitly recite a *ranking of flights* (i.e., the "flight candidates") in an order preferred by the carrier for rebooking the passenger. That is, the passenger is never ranked in the claims, only his options for rebooking are ranked. Such a configuration allows the passenger to select the preferred flight, but also allows the carrier to "suggest" their preference for rebooking the passenger by placing the flights preferred by the carrier at the top of the list. Therefore, the carrier can not only find a flight to best accommodate the passenger based on his particular needs, but can also maximize profits for the airline.

Second, even if Slivka discloses ranking of flights, Slivka still fails to disclose presenting a ranked list for the passenger to select from, as recited in the amended claims. The "monitor" referred to in the Advisory Action is asserted to be able to present these ranked lists to the passenger. Applicants respectfully disagree. A closer inspection of paragraphs [0028] and [0029] clearly shows that the monitor is not intended for the display of a list of flights for a passenger to select from. Rather, the monitor is explicitly provided for performing two tasks only: (1) inform the passenger that a flight has been disrupted; and (2) to display new flight information after the passenger has been rebooked. Nowhere in this section or anywhere else does Slivka disclose or suggest that the monitor can be configured to allow a passenger to select an option for rebooking the passenger. Accordingly, not only does the cited "monitor" fail to disclose the limitation of presenting flight candidates, but also prevents Slivka from being combined with Gillis to provide such a limitation.

Slivka, as previously discussed, provides a system and method for automatically rebooking passengers and automatically notifying them. In other words, Slivka explicitly eliminates any interaction by the passenger in the selection of the flight he is to be rebooked on. Slivka does so in order maximize carrier profit. (See, e.g., para. [0014], [0015].) Consequently, any attempt to combine Slivka with a reference for allowing the passenger to select a flight would be contrary to the teachings of Slivka and thus would be inappropriate for forming rejection of the claims, as amended. Accordingly, the teachings of Gillis permitting passenger choice cannot be properly combined with Slivka.

Accordingly, Slivka and Gillis, separately or in combination with any reference of record, fail to disclose suggest or render obvious each and every element of the independent claims, as amended. Applicants therefore respectfully submit that the independent claims define over the references of record. Furthermore, as the remaining claims each depend from one of the independent claims while reciting additional features,

Appln No. 10/730,851
Amendment dated January 16, 2008
Reply to Office Action of August 23, 2007
Docket No. BOC9-2003-0038 (407)

Applicants respectfully submit that the dependent claims likewise define over the references of record.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

AKERMAN SENTERFITT

Date: January 16, 2008

/Richard A. Hinson/

Gregory A. Nelson, Registration No. 30,577

Richard A. Hinson, Registration No. 47,652

Eduardo J. Quiñones, Registration No. 58,575

Customer No. 40987

Post Office Box 3188

West Palm Beach, FL 33402-3188

Telephone: (561) 653-5000